



City of Yelm

Community Development Department

105 Yelm Avenue West

P.O. Box 479

Yelm, WA 98597

May 20, 2005

Knoll D. Lowney
Smith & Lowney, P.L.C.
2317 East John Street
Seattle, WA 98112

Dear Mr. Lowney:

Thank you for your letter of May 12, 2005, on behalf of your clients, the Yelm Commerce Group, regarding the application by PACLAND to construct a Wal-Mart supercenter in Yelm.

First, I would respectfully decline your recommendation that the City transfer SEPA lead agency status to the Washington Department of Ecology. I firmly believe that not only is the City more than capable of carrying out the duties prescribed under the State Environmental Policy Act, as you correctly note in your letter, but that there is no better team to fully review the potential impacts and potential mitigation measures than City staff of the Community Development Department, which was created by the Council for just this type of coordinated review. While I appreciate your concern for the cost of defending any decision the City may make on this development application, my expectation is always that it will be a defensible decision due to the consistent and thorough review process.

As you may be aware, the City is still reviewing the potential environmental impacts of the proposed development and has not yet issued a threshold determination. It would be appropriate, therefore, for you to submit on your client's behalf the information regarding traffic and 'urban decay' at this time to be evaluated prior to making the threshold determination. I have indicated to your clients through Dr. May that now is the time to submit this type of information to the City for consideration.

Rather than meeting with your traffic expert, however, it would be more appropriate at this time for you to submit their report for the City to review at this time, as the City retains its own traffic expert with whom it consults when appropriate and is also coordinating with the Washington Department of Transportation on review of the Traffic Impact Analysis.

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On a somewhat separate matter, I am enclosing for your information a letter from Brent Dille, City Attorney, to the Mayor and City Council regarding continued testimony during the public access portion of the Council agenda regarding big box retail development. As you may be aware, your clients attend most City Council meetings and generally speak during public access time, mostly regarding the application for Wal-Mart, although many euphemisms have been substituted for the 'W' word. As statements at a Council meeting by Dr. May and your letter clearly indicate that the Council will eventually be hearing an appeal, the City Attorney has opined that it is time to stop continued testimony to the City Council regarding the application. I would ask that you convey this to your clients and hopefully help them understand that the intent is a fair land use permitting process for all sides.

I look forward to reviewing any data or analysis you wish to submit and, as with everything submitted as part of the land use process, will give it full consideration.

Sincerely,

Grant Beck, Director
Department of Community Development